

Attorney's Docket No.: 003875.P001D5

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Patent Application of: )

Gerhard Fenkart, et al. )

Examiner: Not Yet Assigned

Application No.: 10/071,993 )

Art Unit: 2882

Filed: February 7, 2002 )

For: A NONINTRUSIVE )  
INSPECTION SYSTEM )

Office of Initial Patent Examiner  
Customer Service Center  
Commissioner For Patents And Trademarks  
Washington, D.C. 20231

RECEIVED  
APR -4 2002  
TECHNOLOGY CENTER 2800

REQUEST FOR CORRECTION OF FILING RECEIPT

On March 8, 2002 we received the Official Filing Receipt dated March 1, 2002 in connection with the above-referenced patent application (copy enclosed). However, Applicant respectfully notes that the following information needs to be corrected due to a PTO error regarding the patent application's title. Please change:

First-Class Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail with sufficient postage in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C., 20231 on:

March 20, 2002

Date of Deposit

Linda K. Brost

Name of Person Mailing Correspondence

*Linda K. Brost*

Signature

*March 20, 2002*

Date

**FROM:**

**TITLE: NONINTRUSIVE INSPECTION APPARATUS**

**TO:**

**TITLE: NONINTRUSIVE INSPECTION SYSTEM**

Applicant respectfully notes that a correction is also needed as to the Filing Receipt dated March 1, 2002 with respect to the city of residence for one of the inventors. The Filing Receipt lists the city as "Pala Alto" for the second inventor, Francois A. Mesqui; the correct city is "Palo Alto."

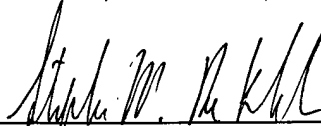
Therefore, corrections with respect to the title of the invention and the city of residence for the second inventor as listed in the Official Filing receipt of the present application are respectfully requested. Please correct the title as shown above and change the city of residence of the second inventor of the present application to "Palo Alto." Enclosed is a copy of the title page of the application, the signed Declaration/Power of Attorney, and a copy of the filing receipt marked in red with the appropriate corrections.

If there are any additional fees, please charge them to Deposit Account 02-2666.

If you have any questions, please contact the undersigned.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP



\_\_\_\_\_  
Stephen M. De Klerk  
Reg. No. 46,503

Dated: March 20, 2002

12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, California 90025  
(408) 720-8300



UNITED STATES PATENT APPLICATION

for

A NONINTRUSIVE INSPECTION SYSTEM

TECHNOLOGY CENTER 2800

APR - 4 2002

RECEIVED

Inventors:

Gerhard Fenkart  
François A. Mesqui  
David E. Kresse  
William H. Baylis

Prepared by:

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP  
12400 Wilshire Boulevard  
Los Angeles, CA 90025-1026  
(408) 720-8598

Attorney Docket No.: 003875.P001

**EXPRESS MAIL CERTIFICATE OF MAILING**

"Express Mail" mailing label number EL627469686US

Date of Deposit February 26, 2001

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D. C. 20231

Deborah A. MCGovern

(Typed or printed name of person mailing paper or fee)

DMCGovern  
(Signature of person mailing paper or fee)

Attorney's Docket No.: 3875P001

Patent

**DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below, next to my name.

I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled  
A NONINTRUSIVE INSPECTION SYSTEM

the specification of which

X is attached hereto.  
was filed on (MM/DD/YYYY) February 26, 2001 as  
United States Application Number 09/794,505  
or PCT International Application Number \_\_\_\_\_  
and was amended on (MM/DD/YYYY) \_\_\_\_\_  
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment referred to above. I do not know and do not believe that the claimed invention was ever known or used in the United States of America before my invention thereof, or patented or described in any printed publication in any country before my invention thereof or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, and that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months (for a utility patent application) or six months (for a design patent application) prior to this application.

I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d), of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

**Priority  
Claimed**

**I hereby claim the benefit under title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below:**

(Application Number) (Filing Date – MM/DD/YYYY)

(Application Number)	(Filing Date – MM/DD/YYYY)	(Status -- patented, pending, abandoned)
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Send correspondence to Stephen M. De Klerk, BLAKELY, SOKOLOFF, TAYLOR &  
(Name of Attorney or Agent)  
ZAFMAN LLP, 12400 Wilshire Boulevard 7th Floor, Los Angeles, California 90025 and direct  
telephone calls to Stephen M. De Klerk, (408) 720-8300.  
(Name of Attorney or Agent)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Sole/First Inventor Gerhard Fenkart  
Inventor's Signature *Gerhard Fenkart* Date May 08. 2001  
Residence Zurich, Switzerland Citizenship Austria  
(City, State) (Country)  
Post Office Address Schauenbergstrasse 50c  
CH-8046 Zurich, Switzerland

Full Name of Second/Joint Inventor François A. Mesqui  
Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_  
Residence Palo Alto, California Citizenship France  
(City, State) (Country)  
Post Office Address 2850 Middlefield Road  
Palo Alto, CA 96306

Full Name of Third/Joint Inventor David E. Kresse  
Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_  
Residence Walnut Creek, California Citizenship U.S.A.  
(City, State) (Country)  
Post Office Address 760 El Verano Drive  
Walnut Creek, CA 94598

Full Name of Fourth/Joint Inventor William H. Baylis  
Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_  
Residence Tiburon, California Citizenship U.S.A.  
(City, State) (Country)  
Post Office Address 4850 Paradise Drive  
Tiburon, CA 94920

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Sole/First Inventor Gerhard Fenkart

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence Zurich, Switzerland Citizenship Switzerland  
(City, State) (Country)

Post Office Address Schauenbergstrasse 50c  
CH-8046 Zurich, Switzerland

Full Name of Second/Joint Inventor François A. Mesqui

Inventor's Signature *François A. Mesqui* Date 6/22/01

Residence Palo Alto, California Citizenship France  
(City, State) (Country)

Post Office Address 2850 Middlefield Road  
Palo Alto, CA 96306

Full Name of Third/Joint Inventor David E. Kresse

Inventor's Signature *David E. Kresse* Date 09-18-01

Residence Walnut Creek, California Citizenship U.S.A.  
(City, State) (Country)

Post Office Address 760 El Verano Drive  
Walnut Creek, CA 94598

Full Name of Fourth/Joint Inventor William H. Baylis

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence Tiburon, California Citizenship U.S.A.  
(City, State) (Country)

Post Office Address 4850 Paradise Drive  
Tiburon, CA 94920



I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Sole/First Inventor Gerhard Ferkart

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence Zurich, Switzerland  
Citizenship Switzerland  
(City, State) (Country)

Post Office Address Schauenbergstrasse 50c  
CH-8046 Zurich, Switzerland

Full Name of Second/Joint Inventor Francois A. Mesqui

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence Palo Alto, California  
Citizenship France  
(City, State) (Country)

Post Office Address 2850 Middlefield Road  
Palo Alto, CA 94306

Full Name of Third/Joint Inventor David E. Kresse

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence Walnut Creek, California  
Citizenship U.S.A.  
(City, State) (Country)

Post Office Address 760 El Verano Drive  
Walnut Creek, CA 94598

Full Name of Fourth/Joint Inventor William H. Baylis

Inventor's Signature William H. Baylis Date 8/22/01

Residence Tiburon, California  
Citizenship U.S.A.



Post Office Address 4850 Paradise Drive  
Tiburon, CA 94920

## APPENDIX A

William E. Alford, Reg. No. 37,764; Farzad E. Amini, Reg. No. 42,261; William Thomas Babbitt, Reg. No. 39,591; Carol F. Barry, Reg. No. 41,600; Jordan Michael Becker, Reg. No. 39,602; Lisa N. Benado, Reg. No. 39,995; Bradley J. Berezna, Reg. No. 33,474; Michael A. Bernadico, Reg. No. 35,934; Roger W. Blakely, Jr., Reg. No. 25,831; R. Alan Burnett, Reg. No. 46,149; Gregory D. Caldwell, Reg. No. 39,926; Andrew C. Chen, Reg. No. 43,544; Thomas M. Coester, Reg. No. 39,637; Donna Jo Coningsby, Reg. No. 41,684; Florin Corie, Reg. No. 46,244; Dennis M. deGuzman, Reg. No. 41,702; Stephen M. De Klerk, Reg. No. 46,503; Michael Anthony DeSanctis, Reg. No. 39,957; Daniel M. De Vos, Reg. No. 37,813; Sanjeet Dutta, Reg. No. 46,145; Matthew C. Fagan, Reg. No. 37,542; Tarek N. Fahmi, Reg. No. 41,402; George Fountain, Reg. No. 37,374; James Y. Go, Reg. No. 40,621; James A. Henry, Reg. No. 41,064; Libby N. Ho, Reg. No. 46,774; Willmore F. Holbrow III, Reg. No. 41,845; Sheryl Sue Holloway, Reg. No. 37,850; George W. Hoover II, Reg. No. 32,992; Eric S. Hyman, Reg. No. 30,139; William W. Kidd, Reg. No. 31,772; Sang Hui Kim, Reg. No. 40,450; Walter T. Kim, Reg. No. 42,731; Eric T. King, Reg. No. 44,188; George Brian Leavell, Reg. No. 45,436; Kurt P. Leyendecker, Reg. No. 42,799; Gordon R. Lindeen III, Reg. No. 33,192; Jan Carol Little, Reg. No. 41,181; Robert G. Litts, Reg. No. 46,876; Joseph Lutz, Reg. No. 43,765; Michael J. Mallie, Reg. No. 36,591; Andre L. Marais, under 37 C.F.R. § 10.9(b); Paul A. Mendonsa, Reg. No. 42,879; Clive D. Menezes, Reg. No. 45,493; Chun M. Ng, Reg. No. 36,878; Thien T. Nguyen, Reg. No. 43,835; Thinh V. Nguyen, Reg. No. 42,034; Dennis A. Nicholls, Reg. No. 42,036; Robert B. O'Rourke, Reg. No. 46,972; Daniel E. Ovanezian, Reg. No. 41,236; Kenneth B. Paley, Reg. No. 38,989; Gregg A. Peacock, Reg. No. 45,001; Marina Portnova, Reg. No. 45,750; William F. Ryann, Reg. No. 44,313; James H. Salter, Reg. No. 35,668; William W. Schaal, Reg. No. 39,018; James C. Scheller, Reg. No. 31,195; Jeffrey Sam Smith, Reg. No. 39,377; Maria McCormack Sobrino, Reg. No. 31,639; Stanley W. Sokoloff, Reg. No. 25,128; Judith A. Szepesi, Reg. No. 39,393; Vincent P. Tassinari, Reg. No. 42,179; Edwin H. Taylor, Reg. No. 25,129; John F. Travis, Reg. No. 43,203; Joseph A. Twarowski, Reg. No. 42,191; Tom Van Zandt, Reg. No. 43,219; Lester J. Vincent, Reg. No. 31,460; Glenn E. Von Tersch, Reg. No. 41,364; John Patrick Ward, Reg. No. 40,216; Mark L. Watson, Reg. No. 46,322; Thomas C. Webster, Reg. No. 46,154; and Norman Zafman, Reg. No. 26,250; my patent attorneys, and Firasat Ali, Reg. No. 45,715; Justin M. Dillon, Reg. No. 42,486; Thomas S. Ferrill, Reg. No. 42,532; and Raul Martinez, Reg. No. 46,904, my patent agents, of BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP, with offices located at 12400 Wilshire Boulevard, 7th Floor, Los Angeles, California 90025, telephone (310) 207-3800, and James R. Thein, Reg. No. 31,710, my patent attorney with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith.

## APPENDIX B

### Title 37, Code of Federal Regulations, Section 1.56 Duty to Disclose Information Material to Patentability

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) Prior art cited in search reports of a foreign patent office in a counterpart application, and
  - (2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
  - (2) It refutes, or is inconsistent with, a position the applicant takes in:
    - (i) Opposing an argument of unpatentability relied on by the Office, or
    - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
  - (2) Each attorney or agent who prepares or prosecutes the application; and
  - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/071,993 ✓	02/07/2002 ✓	2882 ✓	740 ✓	003875.P001D5 ✓	14 ✓	5 ✓	2 ✓

CONFIRMATION NO. 2660

Stephen M. De Klerk  
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN  
Seventh Floor  
12400 Wilshire Boulevard  
Los Angeles, CA 90025-1026

**RECEIVED**  
MAR 08 2002

FILING RECEIPT



0000000007565709\*

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN  
LOS ANGELES

Date Mailed: 03/01/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

**Applicant(s)**

Gerhard Renkart, Zurich, SWITZERLAND; ✓  
Francois A. Mesqui, ~~Palo Alto~~ CA; → Palo Alto, CA  
David E. Kresse, Walnut Creek, CA; ✓  
William H. Baylis, Tiburon, CA; ✓

**Domestic Priority data as claimed by applicant**

THIS APPLICATION IS A DIV OF 09/794,505 02/26/2001 ✓  
WHICH IS A CON OF PCT/US99/28229 11/29/1999 ✓  
WHICH CLAIMS BENEFIT OF 60/110,417 11/30/1998 ✓

**Foreign Applications**

If Required, Foreign Filing License Granted 03/01/2002

Projected Publication Date: 06/13/2002

Non-Publication Request: No

Early Publication Request: No

**Title**

Nonintrusive inspection apparatus system



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WASHINGTON, D.C. 20231  
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CONFIRMATION NO. 2660



Bib Data Sheet

SERIAL NUMBER 10/071,993	FILING DATE 02/07/2002 RULE	CLASS 378	GROUP ART UNIT 2882	ATTORNEY DOCKET NO. 003875.P001D5
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## APPLICANTS

Gerhard Fenkart, Zurich, SWITZERLAND;  
Francois A. Mesqui, Palo Alto, CA;  
David E. Kresse, Walnut Creek, CA;  
William H. Baylis, Tiburon, CA;*verified*

## \*\* CONTINUING DATA \*\*\*\*\*

THIS APPLICATION IS A DIV OF 09/794,505 02/26/2001  
WHICH IS A CON OF PCT/US99/28229 11/29/1999  
WHICH CLAIMS BENEFIT OF 60/110,417 11/30/1998*verified*

## \*\* FOREIGN APPLICATIONS \*\*\*\*\*

*none*

IF REQUIRED, FOREIGN FILING LICENSE GRANTED

\*\* 03/01/2002

Foreign Priority claimed 35 USC 119 (a-d) conditions met Verified and Acknowledged	<input type="checkbox"/> yes <input checked="" type="checkbox"/> no <input type="checkbox"/> yes <input type="checkbox"/> no <input type="checkbox"/> Met after Allowance	STATE OR COUNTRY SWITZERLAND	SHEETS DRAWING 14	TOTAL CLAIMS 5	INDEPENDENT CLAIMS 2
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*HKS*

## ADDRESS

Stephen M. De Klerk  
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP  
Seventh Floor  
12400 Wilshire Boulevard  
Los Angeles, CA 90025-1026

## TITLE

Nonintrusive inspection system

FILING FEE RECEIVED 740	FEES: Authority has been given in Paper No. _____ to charge/credit DEPOSIT ACCOUNT No. _____ for following:	<input type="checkbox"/> All Fees <input type="checkbox"/> 1.16 Fees ( Filing ) <input type="checkbox"/> 1.17 Fees ( Processing Ext. of time ) <input type="checkbox"/> 1.18 Fees ( Issue ) <input type="checkbox"/> Other _____ <input type="checkbox"/> Credit
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